

REFERENCE TITLE: stockpond registration; technical correction

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1226

Introduced by
Senator Pierce

AN ACT

AMENDING SECTION 45-272, ARIZONA REVISED STATUTES; RELATING TO WATERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 45-272, Arizona Revised Statutes, is amended to
3 read:

4 45-272. Water rights in stockponds: priority

5 A. The owner of any stockpond constructed after June 12, 1919 and
6 ~~prior to~~ BEFORE August 27, 1977, the capacity of which is not in excess of
7 fifteen acre-feet and concerning which water rights litigation or protest to
8 the state land department was not a matter of record prior to August 27,
9 1977, shall have a valid water right in such stockpond with priority as of
10 the date of construction and shall be eligible for such evidence of validity
11 as the director may prescribe.

12 B. All water rights issued pursuant to a permit or certificate issued
13 ~~prior to~~ BEFORE August 27, 1977 by the state land department or its
14 predecessors or pursuant to an application to appropriate filed with the
15 state land department or its predecessors ~~prior to~~ BEFORE August 27, 1977,
16 rights to the use of the mainstream waters of the Colorado river, rights
17 previously acquired or validated by contract with the United States, court
18 decree or other adjudication or rights acquired ~~prior to~~ BEFORE June 12, 1919
19 and registered pursuant to article 7 of this chapter shall have priority over
20 any water right claimed pursuant to this article.

21 C. Any person who is claiming a water right pursuant to this article
22 and who fails to file a claim of water right ~~prior to one year after the~~
~~effective date of this amendment to this section~~ BEFORE MARCH 18, 1996 shall
23 have a water right priority as of the date of filing. An existing claim of
24 water right under this article may be amended at any time before the
25 completion of hearings on the claimed right pursuant to section 45-257,
26 subsection A.

27 D. Subsequent to August 27, 1977, no person may construct or cause to
28 be constructed a stockpond of any size unless the director of water resources
29 or his predecessors have approved an application for a permit to appropriate
30 such water filed pursuant to section 45-152.